

**News Broadcasting & Digital Standards Authority**  
**Order No. 133 (2022)**

**Common Order of NBDSA on complaints filed by Mr. Saurav Das, Mr. Indrajeet Ghorpade and Citizens for Justice & Peace against Zee News -programme titled “Kudrat bahana hain, Muslim abaadi badana hain?” on 27.6.2021**

**1. Complaint (No. 237/431(O)) dated 28.6.2021 by Mr. Saurav Das**

Since complainant was not satisfied the response of the broadcaster, the complaint was escalated to the second level i.e., NBDSA.

The complainant stated that on 27.6.2021, the broadcaster ran a show titled “*Kudrat bahana hain, Muslim abaadi badana hain?*” (*nature is an excuse, increasing muslim population is the goal?*) on Zee News.

In the impugned show, the broadcaster raised five questions with sensationalist headlines-

1. “*Niṛaam-e-kudrat ya Hindustan pe aafat?*”
2. “*Kudrat bahana hain, Muslim abaadi badana hain?*”
3. “*Hum do-hamare do par majhabī rukawat kyo?*”
4. “*UP me chunao, isiliye abaadi par tanao?*”
5. “*Ek desh toh ek jansankhya kanoon kyo nahi?*”

The complainant stated that the title of the show itself was sad and painful. The nature of the headlines showed a particular minority community in a bad light and projected them as the sole community responsible for increasing population in India. Headline saying “*kudrat bahana hain, Muslim abaadi badana hain*” was clearly something which was being tagged to the Muslim community. The entire show was run based on an opinion shared by a Samajwadi Party Member of Parliament on population control law, who is a Muslim. However, his statement was twisted with utmost malafide intentions and projected to the viewers of the news channel as if the entire Muslim community had the same opinion as the MP, and are therefore, are responsible for the increasing population in the country. The headline “*Hindustan pe aafat*” clearly showed the channels malafide attempt to portray the Muslim community as bringing a “disaster” upon India, though the facts are different.

The impugned show was completely ignorant to facts and had been made with the sole intention to cause hate and enmity between two ‘religious’ groups- Hindus and Muslims. Such vile and bigoted shows need to be kept in check and must be nipped in the bud especially since the Uttar Pradesh elections were around the corner.

Since the show was factually incorrect, spread bigotry and hate against a minority community, sensationalized and twisted a statement made by a particular MP, , stigmatized the entire Muslim community as the community responsible for population explosion by portraying Muslims as the ones bringing “*Hindustan pe aafat*” and spread communal colors by failing to ensure neutrality, impartiality, objectivity, the channel should apologize to the nation for running such a show with complete shamelessness and communal intentions.

The complainant demanded that the channel apologize on air for broadcasting the impugned show and for hounding a particular community. The channel must also tweet an apology with reference to the show and must also undertake not to run such shows with bigoted and communal intentions, without any fact-checking.

## **2. Complaint (No. 231) dated 3.7.2021 by Mr. Indrajeet Ghorpade**

Since complainant was not satisfied with the response of the channel, the complaint was escalated to the second level i.e., NBDSA.

The complaint was in respect to a show aired on Zee News related to Uttar Pradesh's proposed population control regulation titled “कुदस्त बहाना है, मुस्लिम आबादी बढ़ाना है?” (Nature is an excuse, Muslim population has to increase?).

### **The complainant stated that :**

1. The title of the show, *"Nature is an excuse, Muslim population has to increase?"* negatively stereotyped the entire Muslim community by accusing the community of being the reason behind India's high population and associated challenges, and of conspiring to increase the Muslim population while using the excuse of *'reproduction being a natural phenomenon and/or god-gifted'*. Further, the same title was shown multiple times throughout the show, and at time covered the entire screen.
2. Throughout the show, several times, visuals of large gatherings of Muslim people were shown., which were unrelated to the news or the subsequent debate.
3. The anchor failed to fulfil her role as a neutral moderator. In the programme, the anchor could be seen screaming and muting panellists who opposed her views. Further, the anchor also failed to correct or probe grossly inaccurate statistics shared by panellists who supported her views including those cited by BJP Spokesperson, Sanju Verma. The anchor accused the panellists of giving the discussion a *"religious spin"* while the ticker, headline and full-screen posters repeatedly displayed the words, *"कुदस्त बहाना है, मुस्लिम आबादी बढ़ाना है"*.
4. During the programme, BJP Spokesperson, Sanju Verma falsely claimed that India's population comprises 19 to 20% Muslims, despite the fact that the 2011 census shows that Muslim population in India is 14.22% and the 2021 census is yet to be conducted. She then asked the anchor if she could dismiss the “fact” that these 86 districts with majority Muslim population had the highest unemployment, starvation and crime rate. The complainant stated that there is no source that he could find which supported the false claims made by Sanju Verma and that the only remotely related source that he came across was a 2014 statement by the HRD Ministry in the Rajya Sabha in which it was stated that 19 out of the 86 most backward districts had greater than 50% Muslim population. Therefore, the panellist's claim that 86 districts of India with the highest unemployment, starvation and crime rate have more than 50% Muslim population was grossly false.

By airing the impugned programme, the complainant stated that the broadcaster had violated several NBDSA Guidelines:

### 3. Complaint (No. 247) dated 3.7.2021 by Citizens for Justice and Peace

Since complainant did not receive response from the channel within seven days, the complaint was escalated it to the second level i.e., NBDSA.

The complaint was in respect of a news programme aired on Zee News on 27.6.2021 titled “कुदरत बहाना है, मुस्लिम आबादी बढ़ाना है?” (Nature is just an excuse, the motive is to increase Muslim Population?) in its debate programme called ‘Taal Thok Ke’. The show focused on how the Uttar Pradesh government is mulling over a potential population control law. At that time there was no official confirmation from the UP government regarding the same. However, the broadcaster aired a debate programme on this topic, emphasising on the statement made by Samajwadi Party MP Shafiqur Rahman who said that Children are “*Nizāam-e-Kudrat*” (part of the system of nature) and that nobody has a right to interfere with that”.

The entire show which was barely a debate and more a shrill exercise in heightening hyperbole and volume, insinuated that there is only one particular minority community behind India’s backwardness and illiteracy. Mohsin Raza, an Uttar Pradesh minister, part of the panel, said that BJP is a party for the ‘*Bhartiya Janta*’ (Indian population) and that they are ‘samarpit’ (dedicated) to the country, working for their nation, taking a dig at the spokesperson from the Samajwadi Party, Anurag Bhadauriya, who was against giving a communal angle to the story and instead brought up issues like Covid-19 deaths, inflation and rising unemployment. However, when the panellist tried to bring up these issues, the anchor of the show, kept cutting him off and continued to play the statement made by Shafiqur Rahman about how nobody has the right to interfere with population. The debate was about how Shafiqur could make such a statement and nothing about the expected population control bill and the provisions it would entail.

In the programme, Mohsin Raza went on to say that Samajwadi Party and its supporters don’t have a problem with forceful conversions and instead glorify terrorism. “*Yeh hinduon ko musalman banwanewa loke saath khade rehte hai?*” (These people (Samajwadi party) stand by Muslims who forcefully convert Hindus to their religion), he alleged against the Samajwadi Party. The channel allowed such statements to be spoken unabated without any verification.

Throughout the show, which was close to 40 minutes, misinformed and offensive taglines were run. At some point in the show, the anchor did ask questions about why a religious angle has been given to the potential population control law, but on the other hand taglines concerning only Muslim population was flashed on the TV screens of all viewers. Some examples are:

- *Hum do humare do par mazhabiru kawat kyun?* (Why a religious angle/barrier to the two-child policy?)
- *Nizam-e-kudratya Hindustan par aafat?* (system of nature or a disaster upon India?)
- *Kudrat bahana hai, muslim abaadi badhana hai?* (is nature just an excuse, motive is to increase the Muslim population?)

The show also, on several occasions, showed visuals of crowded areas only inhabited by Muslims. Such images of areas crowded by only Muslim people clearly displayed the intention of the channel that just wanted to regurgitate the '*Hindu-Muslim narrative*' and divert from the real issues of Covid-19 and the slowing economy. The complainant stated that such themes also tend to perpetuate the myths pertaining to the Muslim population and falsely glorifies the Muslim population explosion narrative that compels people to believe that Muslims intend to do anything to increase the population of their community to dominate India.

Another panellist, BJP Spokesperson Sanju Verma asked at the outset as to why this population control law was being looked at from a religious perspective but made arguments in support of the very same religious angle. She mentioned states like Uttar Pradesh, Bihar and West Bengal where the Muslim population was high and stated that there are 86 districts in these states which have the most unemployment, malnutrition and crime. In all these districts, Muslim population is more than 50 percent.

The show, even though it raised questions about why religion should be factored on a discussion around population, (*the topic*), actually ends up doing the exact same thing. The name of the show (*Nature is just an excuse, the motive is to increase Muslim Population?*) was sufficient to indicate that this show was aired to target only a particular community and push a majoritarian agenda.

The debate then drifted to the narrative that the abovementioned law was not pinning the blame on Muslims or giving it a religious angle and that it does not intend to promote disharmony. But at the same time, in the beginning of the show, it roped a Hindu Mahant Narayan Giri of the Antarashtriya Juna Akhada who commented against Shafiqur Rahman's Nizaam-e-kudrat statement and said that such foolish people reach the Parliament and disrespect the Constitution of India. He also said that the population is exploding and before he could complete his sentence, the channel cut to the images of crowded Muslim places.

### **The channel's intent**

On one hand, the anchor kept questioning through the show why population was a religious issue and on the other hand, asked obnoxious questions like "*Kudrat bahana hai, muslim abaadi badhana hai?* (is nature just an excuse, motive is to increase the Muslim population?)". It seemed like the show tried to infuse rhetoric around an issue that (then) did not exist, as not even the Uttar Pradesh government had made any religious reference for its proposed population control law, nor had any prominent leader conformed to such views.

The complainant stated that it was ironical and almost seemed intentional that the show created a communally biased narrative and then questioned why such a narrative existed. That it was unclear why the channel resorted to create a narrative that was in clear violation of Code of Ethics & Broadcasting Standards (Code of Ethics) and principles of self-regulation. The intention of the show was to create a platform for communally charged

opinions to be expressed and to cherry pick opinions of people with extreme religious views and have a debate on the same. Creating a narrative out of thin air certainly cannot be a function of an independently run news media in a democracy. The Code of Ethics spells out the role of electronic news media stating that it *“has the promise to make democracy a living reality for those who do not have access to the print media”*. Among other things, it also puts the prerogative on the news media to expose the lapses in government and in public life. It also rightly points out that the difference between inaccuracy and falsehood lies in the motive. The Code of Ethics clearly states that the fundamental purpose of dissemination of news in a democracy is to educate and inform the people of the happenings in the country so that the people of the country understand significant events and *form their own conclusions (emphasis added)*.

The complainant also drew the attention to the Codes of Ethics and Principles of Self-Regulation, which were violated by the broadcaster by airing the impugned show:

The complainant stated that the Code of Ethics has established the fact that it is the job of news media to inform people of news around them, without bias and prejudices. While the news in the case in point can be identified as the UP-government mulling over a population control law, the news channel, with malicious intention, picked out an ill-informed opinion made by a religious figure which suited the narrative they wished to create, which was to nudge a communally charged debate. The whole purpose of a debate was to get view points from all stakeholders and to put it forth before the viewers but when the main topic of the debate stemmed from, not a news point, but a biased opinion, the purpose of the debate is lost. It is undebatable that public opinion is greatly influenced by the news media, hence the need for an unbiased news-based narrative that at least does not push the communal angle is desirable in a democracy. Especially in a democracy like ours where people from multiple religions, races and ethnicities reside in one country, news media ought to play a role to maintain harmony and not create non-existent narratives on a news point.

The complainant demanded that the program be removed from all their social media accounts and website, for the broadcaster to issue a public apology on its channel for promoting enmity and hurting the sentiments of a certain community and to refrain from broadcasting or posting any such content which would contravene the tenets of our constitution which promotes harmony, dialogue and fraternity between all sections of Indians.

### **Common Reply from the broadcaster to the complaints**

The broadcaster stated that in the impugned show it had conducted a fair and objective news debate and analysis on the criticism of the *‘two child norm’* campaign launched by the Government of Uttar Pradesh, from the leaders of the opposition parties. It denied each and every allegation, averments and insinuations levelled in the subject complaint, as the same were completely false, frivolous, unfounded and misleading.

The broadcaster stated that the impugned programme, including the headlines objected, do not in any manner violate any of the guidelines or journalistic code and even the complaint filed is not in consonance with the provisions of the News Broadcasting Standards Regulations.

The impugned programme was completely fair, objective and neutral and the taglines used therein like “*Nizam-e-Kudrat ya Hindustan Pe Aafat?*”, “*Kudrat Bahana Hai, Muslim Aabadi Badana Hai?*” were completely in the context of the issue raised in the programme and were never meant to even remotely suggest that one community is responsible for rising population in the country, as falsely alleged. Therefore, it stated that the complaint under reply was completely misleading and was a malafide attempt to muzzle the voice of a responsible media from reporting the truthful account of important facts and events and discussion thereon.

The contents of the impugned programme, including the headlines objected to were never intended to spread hate and enmity between the two religious groups, as falsely alleged. As a responsible media house, the broadcaster stated that it treats all religions, class, communities alike and telecasts each and every news reports with objectivity and without any flavour of biasness or partiality and the allegation that in the impugned programme, it had intended to provoke religious tension, was completely false and baseless.

The impugned programme contained a debate and panel discussion on the important issue of ‘*Population Control*’ and the controversial and communally divisive statements made by the leaders of Samajwadi Party - Mr. Shafiqur Rahman Barq and Mr. Nawab Iqbal Mahmood, in criticism of the recent campaign of ‘*two child norm*’, launched by the Government of Uttar Pradesh in the State from 27.06.2021 to 10.07.2021. Mr. Shafiqur Rehman Barq, who is a sitting Member of Parliament, in his controversial statement said that it is a law of the nature (*‘nizam-e-qudrat’*) that how many children will be born and the Government has no right to interfere with the law of the nature. Further, Mr. Nawab Iqbal Mahmood, who is a sitting MLA in Uttar Pradesh, has stated that “*Dalits and Tribals are responsible for population growth and not Muslims*”.

It stated that the aforesaid campaign on ‘*two child norm*’ launched by the Uttar Pradesh Government is concerned with the better economic and social growth of each and every family, irrespective of their religion, community, caste etc. The aforesaid policy was not at all related to or concerned with the members of any particular religion or community. Despite that, the aforesaid political leaders made a highly controversial and communally divisive statement to attack and criticize the effort of the State Government to take measure to control rising population in the State. As such, in the impugned programme, it had conducted a fair and objective debate and discussion on the campaign of ‘*two child norm*’ launched by the State Government and exposed the agenda of the aforesaid political leaders for making the said campaign a ‘*communal issue*’ for political gains. As a responsible media house, it is their constitutional duty to raise important questions in larger public interest and expose the agenda of persons having vested interest. The aim and object of the debate was to bring to the viewers the importance and benefits of limited population

and further, to make the viewers aware of the real object and intent of the aforesaid campaign, which has nothing to do with any specific or particular religion or community.

That it is only in the context of the given facts and in view of the statements made by Mr. Shafiqur Rahman and Mr. Nawab Iqbal Mahmood, in the impugned programme, important question like *Nizaaam-e-Kudrat ya Hindustan pe Aafat?*, which is in relation to rising population in the country and not to target any particular religion were raised. The aforesaid question only meant that whether the '*population explosion in the country*' is a law of the nature or a problem for the country? The words '*Hindustan pe Aafat*' used in the headline refers to the '*population explosion*' and not to the '*Muslim Community*', as falsely alleged in the complaint. Similarly, it had raised another question i.e. *Kudrat Bahana Hai, Muslim Abaadi Badana Hai?*, completely in the context of the statement made by Mr. Shafiqur Rahman Barq and it was never meant to target the members of any particular religion or community. Since the aforesaid political leaders had given the campaign of '*two-child norm*' a communal color, the aforesaid questions along with other questions raised in the programme specifically referred to their intentions and their agenda of converting the issue into a vote bank politics. The broadcaster stated that the contents of the programme, including the headlines used therein, were never intended to target or project Muslim Community in bad light and all the accusations levelled in the complaint were absolutely false and hence denied.

The intent of the programme was only to bring to the viewers the real object of the '*two child norm*' campaign, which has nothing to do with any particular religion or community. In the show, it had invited guests from different political parties who all made it clear that the aforesaid campaign was not related to any religion or community. For instance, Mr. Mohseen Raza, Cabinet Minister, Government of Uttar Pradesh, stated during the show that the aforesaid campaign or the law on population control is not meant for any one particular religion or community and it is in the interest of general public. Further, another panelist on the show, Capt. Sikander Rizwi, Muslim Scholar, also stated that rising population should not be connected to any particular community or religion.

The broadcaster stated that during the entire debate show, the anchor never made any comment or statement targeting or making any particular religion responsible for the increasing population in the country and in fact condemned the statement of the aforesaid political leaders who brought religious angle in aforesaid issue. The anchor had given reasonable and sufficient opportunity to each of the panelists, without any biasness, to share their views on the issue and nowhere during the show, the anchor screamed at any of the panelist or tried to suppress their voices by keeping their audio on mute. It stated that during a debate programme, the voice of the panelists is required to be muted sometimes so that the viewers can clearly listen to the opinion from both the sides without any unnecessary interruption. Therefore, the allegations levelled against the anchor were completely false and hence denied.

The broadcaster submitted that during the show, when one of the panelists, Ms. Sanju Verma referred to the data related to States having more than 50% Muslim Population,

the anchor immediately interfered and objected to the statement made by Ms. Sanju Verma and clearly stated as to how this issue of rising population was being connected with a particular religion. The contents of the impugned programme were never intended to insult or spread hate against any particular religion, as falsely alleged. The aforesaid programme was in due compliance of the journalistic norms, applicable code of conduct and the relevant guidelines. The programme was completely impartial, neutral, objective and fair and did not tend to hurt the religious sentiments of any particular religion or group.

The broadcaster stated that since the aforesaid programme was a live debate and was not a pre-scripted programme, it had repeatedly ran a *disclaimer* on the screen, in the form of a *ticker*, clearly stating that *“the views expressed by the panelists on the show are their personal views and Zee News has nothing to do with the views/comments made by the panelist and the panelist will personally be liable for the comments made by them during the show.”* The Disclaimer further stated that *“Zee News do not intend to hurt the sentiments of anyone”*. In view of the aforesaid disclaimer, the channel neither endorsed nor can be made liable for the statements/comments made by any of the panelists.

The broadcaster submitted that with respect to the data of US Based Pew Research Centre, the anchor has nowhere relied upon or quoted any data relating to the increasing population in the country and therefore, there was no need to comment upon or reply to the authenticity or veracity of the data of Pew Research Centre.

The reporting in the impugned broadcasts was completely uncolored from any motive, prejudice or notions and was based completely on verified, accurate and established facts and did not tend to promote disharmony or enmity between the different religion. It had exercised self-restraint while conducting the analysis in the aforesaid show and had not breached any of the guidelines of NBDISA, as alleged in the complaint. Further, it had strictly adhered to the laid down principles of neutrality, impartiality and fairness in the telecast of the aforesaid news report.

### **Rejoinder dated 3.8.2021 filed by Citizens for Justice and Peace**

The complainant refused to accept the contentions, affirmations and averments made by the channel in their response. The complainant reiterated that the programme violated the Codes of Ethics and Principles of Self-Regulation.

In its response, the channel has stated that the programme was completely *“fair, objective and neutral and the taglines used therein like “Nizam-e-Kudrat ya Hindustan Pe Aafat?”, “Kudrat Bahana Hai, Muslim Aabadi Badana Hai?” were completely in the context of the issue raised in the programme” and it never meant to even remotely suggest that one community is responsible for rising population in the Country or reason for India’s backwardness and illiteracy, as falsely alleged.”* The complainant stated that it does not agree with such statements made by the channel as it believes that they are untrue and false. That if the intention of the broadcaster was to not suggest that one community was responsible for rising population in the country, why did the channel resort to images and clips of Muslim dominated areas? That the show always cut to images of Muslim dominated areas in majority to probably draw everyone’s attention



to Muslim crowds. That if the intention was to not selectively target the minority community, the channel should have refrained from showing the Muslims in crowded areas or them offering prayers inside a mosque, or a group of Muslim women walking in burqas, etc. That this discriminatorily suggests to any third person, that Muslims were responsible for the alleged population explosion.

The complainant stated that it does not agree with the submission of the broadcaster that it had *“conducted a fair and objective debate and discussion on the campaign of ‘two child norm’ launched by the State Government and to expose the agenda of the aforesaid political leaders for making the said campaign a ‘communal issue’ for political gains”*. It stated that if the agenda of the channel was to expose the communal issue here, it ought to have refrained from using taglines like *“Kudrat Bahana Hai, Muslim Aabadi Badana Hai?”*. That even in the beginning of the show, the image used was that of the Chief Minister of Uttar Pradesh Yogi Adityanath, and on the other side, a group of only Muslim men and children.

In their response the channel has stated that in the impugned programme it had have tried to focus on the *“controversial statements made by the leaders of Samajwadi Party - Mr. Shafiqur Rahman Barq and Mr. Nawab Iqbal Mahmood, in criticism of the recent campaign of ‘two child norm’, launched by the Government of Uttar Pradesh”*. However, it stated that the broadcaster during the live programme, not once focused on what Nawab Iqbal Mahmood said regarding Tribals, rather the entire live debate focused on what Shafiqur Rahman Barq said and his belief, and not once did the anchor, turn the focus towards what Mr. Nawab Iqbal Mahmood said against tribals. That the intention of the channel was to only pin the blame on the Muslim community and what one particular person from the said community said. That the anchor kept muting Anurag Bhadauriya (spokesperson from the Samajwadi Party) and kept screaming at him for not answering her question-whether he agreed with Shafiqur Rahman or not. The complainant questioned how Anurag Bhadauriya’s opinion or his agreement/disagreement was related to the proposed population control law. It observed that it was ironical and seemed almost intentional that the show created a communally biased narrative and then questioned why such a narrative existed.

The channel regurgitated the same Hindu-Muslim issue by showcasing that one particular community was against the proposed Uttar Pradesh population control law. That at some points during the show, the channel cropped a picture of Shafiqur Rahman with a caption *“Jansankhya niyantran ke dushman?” (Enemies of Population control?)*. That the channel was categorically trying to offer a platform for communally charged opinions to be expressed and to cherry pick opinions of people with extreme religious views and have a debate on the same.

That in its response, the channel had stated, *“the aforesaid programme was completely impartial, neutral, objective and fair and does not tend to hurt the religious sentiments of any particular religion or group”*. The complainant stated that if this was the case, why did the broadcaster only focus on the statement made by Shafiqur Rahman opining that population should not be controlled and why there was no time allotted to counter Mr. Iqbal’s statements pertaining to tribals?

That it was the assertion of the channel that some political leaders were giving the “*two child norm*” a communal agenda but allowed its panellists to re-assert the same point and make the issue communal. That the entire show was ironical in its own sense that on one hand it alleged that it doesn’t want to give it a communal angle and on the other hand, made the issue communal.

In the programme, Mr.Sikandar Rizvi, another panellist, first stated that the entire debate had been given a communal and political angle and that the population control law has nothing to do with “*Hindu-Muslim*”, which had been reiterated by the channel in its response. But eventually even he said “*that the Indian Muslims explode/get angry (bhadak jaana) because political parties influence them as the parties see Indian Muslims and increase in their population as increase in their vote bank and not from an angle of population increase*”. The complainant questioned that if population explosion was not a religious matter, what was the premise of this statement and why did this statement go uninterrupted by the channel. That the channel did not ask or verify such claims. Rizvi further referred to only “*Islamic countries*” like Algeria and Morocco where there is a population control law. That this was in absolute contravention of what the channel has alleged.

Sanju Verma, a BJP spokesperson did the same thing on the live debate. She referred to one Alok Vajpeyi’s (Population Foundation of India) statement to assert that the States of Uttar Pradesh, Bengal and Bihar have the highest number of Muslim population. She further said on the show that in 86 districts of the country, where the Muslim Population is more than 50 percent, the crime rate, starvation, and unemployment is the highest. The complainant stated that throwing around such figures on primetime TV, leads to propagation of a well-designed myth that has been conveniently used to push the Hindutva agenda for years.

The complainant stated that the channel has in its response stated that its anchor immediately interfered and objected to the statement made by Ms. Sanju Verma and clearly stated as to how this issue (rising population) was being connected with a particular religion, that this interference made very little sense when the entire show is premised on what Shafiqur Rahman had to say about the proposed law and on what basis did he make such statements. That it would like to reiterate that taglines like “*Nizam-e-kudratya Hindustan par aafat? (system of nature or a disaster upon India?) and Kudrat bahana hai, muslim abaadi badhana hai? (is nature just an excuse, motive is to increase the Muslim population?)*”, were sufficient to establish the communal and malicious intention of the channel.

That if the intention of the channel was to focus on the importance and benefits of limited population, the debate could have discussed what the proposed bill entails, what provisions would be drafted, when is the proposed draft likely to be introduced, so on and so forth. That the channel could have come up with the latest figures of the population or even discussed whether the country was going through an “explosion” as alleged by the channel. Instead, the anchor said that India will soon become a “*champion*” in this population explosion race, without any verified data and subsequently misled the public. The channel

broadcasted and indulged in *unverified and misleading reportage*, giving an idea that India is going through a population explosion.

The debate was not based on any established facts. Furthermore, the complainant stated that during the monsoon session, on July 23, 2021, the Central government has itself answered that it does not intend to bring about a “two child policy” and that *“International experience shows that any coercion or diktat to have a certain number of children is counter-productive and leads to demographic distortions like sex selective abortions, abandonment of the female child and even female infanticide due to intense son preference. All this eventually resulted in a skewed sex ratio”*,

### **Decision of NBDISA at its meeting held on 8.1.2022**

NBDISA considered the complaints received from the three complainants’ response from the broadcaster and viewed the broadcast. NBDISA decided that since the subject matter of the three complaints was the same broadcast i.e., “*Taal Thok Ke : कुदरत बहाना है, मुस्लिम आबादी बढ़ाना है?*”, it would consider all the three complaints together and accordingly directed the parties to be called for a hearing on 10.2.2022.

The broadcaster sought an adjournment for the hearing scheduled on 10.2.2022 which was granted by the Authority. It was decided to hold the hearing at a later date.

On being served with notices the following persons were present at the hearing held on 9.3.2022:

#### **Complainant:**

Mr. Saurav Das

Mr. Indrajeet Ghorpade

Ms. Teesta Setalvad, Citizens for Justice & Peace

#### **Broadcaster:**

Mr. Ritwika Nanda, Advocate

Mr. Piyush Choudhary, Senior Manager - Legal

Ms. Annie, Assistant Manager - Legal

#### **Submissions of Mr. Saurav Das:**

At the outset the complainant submitted that the channel has been spreading hatred which is clear from the following headlines, taglines and tickers “*Nizāam-e-kudrat ya Hindustan pe aafat?*”; “*Kudrat bahana hain, Muslim abaadi badana hain?*”; “*Hum do-hamare do par majhabī rukawat kyo?*”; “*UP me chunao, isiliye abaadi par tanao?*” and “*Ek desh toh ek jansankhya kanoon kyo nahi?*” aired during the impugned programme. That the broadcaster had in the impugned programme, attempted to portray a particular minority community i.e., Muslims in bad light and spread hatred by insinuating that this particular community is responsible for the increasing population and becoming a disaster for the country, which is not true.

He submitted that the impugned programme was very far from facts. It is clear that there was no neutrality and objectivity in the impugned programme and the anchor was

promoting only one side of an issue which needs to be stopped by stringent action against the channel.

The complainant submitted that an apology of 30 seconds was not enough to undo the harm cause to the community, especially since the UP elections were now over. The complainant prayed that the broadcaster be directed to publish the apology also on its social media platforms.

### **Submissions of Mr. Indrajeet Ghorpade:**

The complainant submitted that the impugned programme was centred around a controversial view presented by a politician in Uttar Pradesh who happened to be a Muslim on a bill that was being proposed in Uttar Pradesh on population control who stated that it is the "*law of the nature ('nizam-e-qudrat') that how many children will be born, and the Government has no right to interfere with the law of the nature*". The complainant stated that the views expressed by the said politician were not spoken on behalf of the Muslim community nor did he state that Islam prohibits any sort of population control.

The complainant submitted that NBDSA Guidelines, require broadcasters to not select news for the purpose of promoting or hindering either side of the issue, however by airing the impugned programme and by presenting a one-sided view of the issue the broadcaster had violated the said guidelines. The broadcaster had very cleverly presented its biased narrative that Muslims are responsible for increasing population in the form of a question.

While speaking about population control and specific counter views given by this one particular politician who happened to be a Muslim, in the beginning of the debate, visuals of public and religious gatherings of Muslim people which were unrelated to the impugned programme along with tickers and taglines were shown on screen during the impugned programme thereby making it very clear that the whole debate was once again painting the entire Muslim community in bad light i.e., that the Muslim community and the Muslim leaders deliberately wanted to sabotage India's progress.

The complainant submitted that the bias of the anchor was clear from the fact that at the beginning of the impugned programme, the anchor herself said that only one community is responsible for population control thereby implying that only the Hindu population is responsible for population control. It was not only the panellists but also the anchor who made several bigoted and Islamophobic statements during the programme.

Further, the complainant submitted that BJP Spokesperson, Sanju Verma present in the programme falsely claimed that India's population comprises 19 to 20% Muslims. The spokesperson then claimed that as per a person named Alok Vajpeyi of an NGO named Population Fund of India there are 86 districts in India with the highest unemployment, starvation and crime rate and these 86 districts have greater than 50% Muslim population. She then asked the anchor if she can dismiss the "fact" that these 86 districts with majority Muslim population have the highest unemployment, starvation and crime rate. The complainant submitted that as per the 2011 census the Muslim population in India

is 14.22%. and the 2021 census is yet to be conducted. However, no clarification was aired subsequently by the broadcaster despite NBDSA Guidelines requiring error of facts to be corrected at the earliest.

### **Submissions of Citizens for Justice & Peace**

This complaint is in reference to the show aired by Zee News on 12.6.2021 called कुदरत बहाना है, मुस्लिम आबादी बढ़ाना है? prior to the elections in UP. The complainant reiterated the content of its complaint and its rejoinder.

The complainant submitted that by mentioning the districts where majority population is Muslim, BJP Spokesperson Ms. Sanju Verma was not only trying to polarize the issue but was giving an election call. On one hand the anchor in the programme kept on asking throughout the show why population control was being communalized on the other hand she kept asking obnoxious questions like “*Kudrat bahana hai, muslim abaadi badhانا hai?*” during the programme. It seemed as if the programme attempted to create a rhetoric which did not exist in reality, as not even the Uttar Pradesh Government had made any reference to religion for its proposed population control bill nor had any prominent political leader conformed to such views. It was ironical how the channel had created a communal narrative and then questioned why such narrative existed in the first place. The complainant submitted that in the impugned broadcast, the broadcaster had violated all norms and principles of journalism.

The complainant relied on the judgment of the Hon’ble Supreme Court in the case of *Amish Devgan v. Union of India* and the Hon’ble Madras High Court in *Mohan C Lazarus vs State of Tamil Nadu* (CRL. OP No. 250 of 2021) in support of her submissions.

The complainant submitted that the Minister of Health and Family Welfare on July 23 had informed the members of the Parliament about the population figures in the country including in Uttar Pradesh, the declining fertility rate, crude birth rate etc however none of these sobering and calm statistics were mentioned during the programme as the channel had an agenda to target a minority community. Further, the Former Chief Election Commissioner (CEC), SY Quraishi, in the book “*The population Myth-Islam, Family Planning and Politics in India*” has also articulated a connection between the absence of fundamental rights and civic access and amenities including unavailability of health services and medical infrastructure within Muslim and Dalit dominated areas.

The complainant submitted that the Authority needs to look into how certain channels are behaving in a pattern by bringing selective panelists from the Muslim community on their programmes. That if the channel did not have an agenda, they could have brought forth views from other people including Mr. SY Quraishi. However, by demonizing the views of a certain spokesperson the channel was furthering the stereotype about the Muslim community. The complainant submitted that it is crucial that firm step be taken against the channel who is a repeat offender. The channel should be directed to prominently run an apology on its channel daily during the prime time show.

### Submissions of the Broadcaster:

The broadcaster submitted that the impugned programme was aired on 27.06.2021 and was not specifically in the backdrop of or in connection with the upcoming elections in Uttar Pradesh as alleged. Rather the programme was based on the 'two child norm' campaign launched by the Government of Uttar Pradesh.

That in the backdrop of this campaign Mr. Shafiqur Rahman Barq, Samajwadi Party MP made a statement an excerpt of which was shown during the programme which was “*kitne bache peda hoge kya hoga yeh nizām e kudrat hai allah talah ne hi sabko insaano ko peda kiya hai isme rukawat dalne ki kudrati tor pe koi haq hasil nhi hai*”. Further, Mr. Nawab Iqbal Mahmood another Samajwadi Party MP also stated “*hum hi jansankhiya badane wale hai yeh dalit log yeh humare aadivasi log jinke paas kuch kaam dhanda nhi hai jinke paas koi Naukri nhi hai unke bache badh rhe hai*”. The broadcaster submitted that on view of the campaign launched by the Uttar Pradesh Government, these two statements against the campaign were made by prominent people both of whom hold public position. That statements made by members of parliament who holds a public position carry a lot of weight.

In view of the statements and considering the fact population control is an urgent issue for the country, several State Governments were taking measures to control rising population in the State. The impugned programme was a panel discussion and debate with well represented panel on the important issue of ‘Population Control’. In the programme, the controversial and communally divisive statements made by the leaders of Samajwadi Party - Mr. Shafiqur Rahman Barq and Mr. Nawab Iqbal Mahmood, in criticism of the recent campaign of ‘two child norm’, launched by the Government of Uttar Pradesh in the State from 27.06.2021 were discussed and debated.

The broadcaster submitted that the anchor started the impugned programme by asking “*hum do humare do ka naar kya kharab tha do hi bacche ache hai is slogan main kya burai hai chota parivaar sukhi parivaar sahih hai tohi iska theka kya ek hi mazhab ka*”. This statement was made in response to the statements made by Mr. Shafiqur Rahman Barq and Mr. Nawab Iqbal. If the entire programme is viewed in totality, the problem in implementing laws of such nature was evident in the programme as various political parties were politicizing important issue including increasing population not only on terms of religion but also on terms of hate crime or illegal activities.

At the outset in the programme, the anchor stated that the issue of population control was not an issue amongst backward or forward classes or between Hindu or Muslims rather it was an issue on how such laws can be implemented.

The Authority questioned the broadcaster that if its intention was only to debate regarding the implementation of population control law then why did the broadcaster use the following taglines “*Nizām-e-kudrat ya Hindustan pe aafat?*” ; “*Kudrat bahana hain, Muslim abaadi badana hain?*” ; “*Hum do-humare do par majhabī rukawat kyo?*” ; “*UP me chunao, isiliye abaadi par tanao?*” in the programme.

The broadcaster submitted that if one sees the entire debate of forty five minutes, it becomes clear that it was the panelists who were giving a communal color to the programme. In fact ,when one of the panelists, Ms. Sanju Verma referred to the data related to States having more than 50% Muslim Population, the anchor immediately interfered and objected to the statement made by Ms. Sanju Verma and clearly stated as to how this issue of rising population was being connected with a particular religion.

During the programme, the anchor had at various instances interrupted the panelists to remind them that it was a discussion on the aforementioned issue, and they should stick to the discussion and not give it a communal color.

Further, at the end of the programme, the anchor to sum up the discussion raised a very important issue, that the representatives of the political parties had no answers to the questions posed to them in the programme and they had only levelled allegations against each other digressing from the topic of discussion, which was reflective of the politics in the country particularly how the Indian politics is divided, and how there is a communal divide on grave issues such as population control.

The broadcaster submitted that it cannot be made liable for independent views expressed by the panelist and that it had made its best effort to have a balanced and neutral panel. It reiterated that its anchor had also attempted to manage the narrative of the programme.

As far as the objectionable tickers were concerned the broadcaster submitted that the tickers aired during the programme were based upon the statements made by the panelists and did not carry the opinion of the channel. Further, these tickers were aired for a mere duration of five seconds and in the programme, there were counter tickers as well. The snapshots relied upon by the complainant alone cannot determine the flavor of the programme and the impugned broadcast must be considered in totality.

The complainant CJP rebutted the submissions made by the broadcaster during the hearing by submitting that its issue with the programme was not regarding the panel discussion but regarding the fact that no sane argument was propounded in the panel discussion. In the impugned broadcast, panelists were selectively chosen. That if the broadcaster desired to conduct a debate on views held by certain regressive members of a community why did it not invite panelists from other communities who also held such views. In the broadcast visuals of skull cap men and burqa clad women were shown to project that regressive views were held only by Muslims and members of Samajwadi Party. The complainant submitted that the impugned broadcast was not responsible reporting on the part of the broadcaster.

The complainant, Mr. Indrajeet Ghorpade also rebutted the submissions of the broadcaster. He submitted that in the impugned programme visuals pertaining to only Muslim community were broadcast multiple times during the broadcast to create a narrative against the entire community. That the submission of the broadcaster that the tickers aired by it also had counternarrative was false. Further the channel was also attempting to mislead the Authority by submitting that during the impugned programme

the anchor had objected to the data referred by the panelists. That the broadcaster itself was responsible for making the matter communal. Further, the position of the broadcaster that it cannot be made responsible for the views expressed by the panelists was untenable as it is the broadcaster who invites the said panelists to the programme.

### **Decision**

NBDSA decided that since the complaints relates to the same programme aired on Zee News a common order will be passed.

NBDSA looked into the complaints, response from the broadcasters, and also gave due consideration to the arguments of the complainants and the broadcasters and reviewed the footage of the broadcasts.

While the Authority observes that the media is free to conduct debates on any subject and invite any panelist of its choice, however the debate must be balanced and conducted in accordance with the Code of Ethics & Broadcasting Standards (Code of Ethics) and the Guidelines issued by NBDSA.

The Authority observed as per the submissions of the broadcasters the intention of the broadcasts was not to give the debate a religious or communal color but the programmes were aired to debate on the growth of the population in India, the two child policy proposed by the Uttar Pradesh Government and the statement made by Mr. Shafiqur Rahman and Samajwadi Party MP on the proposed legislation.

However, the Authority noted that the headline of the programme “कुदरत बहाना है, मुस्लिम आबादी बढ़ाना है?” was telecast without any data or substantial material to support it and during the hearing the channel could not justify this statement contained in the headline. If the broadcasters desired to debate the two-child policy proposed by the UP Government, the tagline/headline could have been avoided and a more neutral and objective tagline could have been displayed during the debate.

The broadcasters also submitted that the debate was based on the statement of Samajwadi Party MP Mr.Shafiqur Rahman who said that children are “*Nizaaam-e-Kudrat*” (*part of the system of nature*) and that nobody has a right to interfere with it”. However, the statement as broadcast had been projected to be the view of an entire community whereas the view appeared to be only the individual opinion of Mr. Rahman.

Upon considering the submissions made by the parties, the Authority was of the view that the manner in which the topic was framed, and the language used clearly pointed to the fact that there was an agenda to the debate. This was also clear from the images that were displayed during the debate.

The Authority noted that the following taglines were run during the debate: “*Nizaaam-e-kudrat ya Hindustan pe aafat?*”; “*Kudrat bahana hain, Muslim abaadi badana hain?*”; “*Hum do hamare do par majhabhi rukawat kyo?*”; “*UP me chunao, isiliye abaadi par tanao?*” which taglines were used without any supporting data or facts. In the absence thereof, these taglines amount to giving tilt to the debate which created a perception that there is only one community which is responsible for the population growth in the country.



NBDSA also observed that adding a "*disclaimer*" to any programme including debates does not absolve the broadcaster of its responsibility in the event the programme violates the Code of Ethics and Guidelines issued by the Authority.

NBDSA decided that the debates as broadcast violated the Code of Ethics relating to Impartiality and the impugned programmes also lacked balance and objectivity.

In view of the above, NBDSA decided to caution the broadcasters to be more careful while airing such programmes in future.

NBDSA, therefore, directed that the video of the said broadcasts, if still available on the website of the channel, or YouTube, or any other links, should be removed immediately, and the same should be confirmed to NBDSA in writing within 7 days of receipt of the Order.

NBDSA decided to close the complaints with the above observations and inform the complainants and the broadcasters accordingly.

NBDSA directs NBDA to send:

- (a) A copy of this Order to the complainants and the broadcasters;
- (b) Circulate this Order to all Members, Editors & Legal Heads of NBDA;
- (c) Host this Order on its website and include it in its next Annual Report and
- (d) Release the Order to media.

It is clarified that any statement made by the parties in the proceedings before NBDSA while responding to the complaints and putting forth their view points, and any finding or observation by NBDSA in regard to the broadcasts, in its proceedings or in this Order, are only in the context of an examination as to whether there are any violations of any broadcasting standards and guidelines. They are not intended to be 'admissions' by the broadcasters, nor intended to be 'findings' by NBDSA in regard to any civil/criminal liability.

Sd/-

**Justice A.K Sikri (Retd.)**  
**Chairperson**

**Place: New Delhi**  
**Date : 13.06.2022**